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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,506	12/05/2003	Richard B. Roe	89190.116303/DP-310058	1965

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DELPHI TECHNOLOGIES, INC.
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EXAMINER

CORRIGAN, JAIME W

ART UNIT PAPER NUMBER

3748

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,506

Applicant(s)

ROE ET AL.

Examiner

Jaime W Corrigan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 11 has been renumbered 10.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al. (PN 5,263,386).

Regarding claims 1, 10 Campbell et al. discloses a) a sleeve (See Figure 1 (12)) portion having an inner surface and an outer surface and a first end and a second end; and b) an anti-rotation (See Figure 1 (42)) feature disposed on one of said first end and said second end of said sleeve portion for cooperating with said lifter (See Figure 1

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(27)) to prevent axial rotation of said lifter within said guide, said sleeve portion being oriented when installed from an opening of a bore in said engine proximate said camshaft (See Figure 2 (24)), said first end of said sleeve portion being adjacent said camshaft (See Figure 2 (24)) and said second end (See Figure 2 (42)) of said sleeve portion being adjacent said valve train.

Regarding claim 2 Campbell et al. discloses a diameter of said outer surface (See Figure 1 (12)) is selected such that said guide may be press-fit (See Figure 2 (12)) into said engine bore.

Regarding claim 3 Campbell et al. discloses a diameter of said outer surface (See Figure 1 (12)) is selected such that said guide may be slip-fit (See Figure 2 (12)) into said engine bore.

Regarding claim 4 Campbell et al. discloses said anti-rotation feature is selected from the group consisting of an arm and tang (See Figure 1 (42)), a flap, and an orifice flat.

Regarding claim 5 Campbell et al. discloses a plurality of said sleeve portions (See Figure 1 (12)) connected at said first ends thereof, each sleeve portion having an anti-rotation element (See Figure 1 (42)) disposed at a second end thereof, wherein

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said guide may be used with a plurality (See Figure 1) of said valve lifters in a plurality of said bores in said engine.

Regarding claim 6 Campbell et al. discloses means for attaching said guide to said engine (See Figure 2).

Regarding claim 7 Campbell et al. discloses said lifter is selected from the group consisting of solid lifter and hydraulic lifter (See Abstract).

Regarding claim 8 Campbell et al. discloses said valve train includes a rocker arm assembly (See Abstract, Column 1 Lines 5-12).

Regarding claim 9 Campbell et al. discloses an oil aperture communicating an engine oil gallery with said lifter (See Abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morel, Jr. et al. (PN 5,178,107), Garchow et al. (PN 4,809,651), Downing (PN 4,793,295), Keske et al. (PN 4,406,257), Amrhein (PN 4,326,484), Lintott (PN 4,207,775), Clouse (PN 3,822,683), Miller, Jr. (PN 3,584,611) disclose similar valve lifters.

Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose Carlyle telephone number is (571) 272-4858. The examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) –272-4859. The fax number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3700.


JC

Jaime Corrigan

Patent Examiner

December 13, 2004

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THOMAS DENION
SUPERVISORY PATENT EXAMINER
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